

## Chapter 16

### MISCELLANEOUS OFFENSES AND PROVISIONS\*

- Sec. 16-1. Curfew violations.
- Sec. 16-2. Fighting and other disorderly or indecent conduct.
- Sec. 16-3. Weapons—Discharge of firearms.
- Sec. 16-4. Same—Shooting of air guns and slingshots prohibited in certain places.
- Sec. 16-5. Damaging utility poles, wires, etc.
- Sec. 16-6. Posting notices, etc., on trees, utility poles, etc.
- Sec. 16-7. Discharge of waste into stream or drainage areas.
- Sec. 16-8. Obstructing natural drainage of water from streets or other public places.
- Sec. 16-9. Loitering in public places.
- Sec. 16-10. Spitting on crosswalks, sidewalks or floors of public places.
- Sec. 16-11. Disturbing religious and other assemblies.
- Sec. 16-12. Nuisances prohibited; specific nuisances declared.
- Sec. 16-13. Sanitary maintenance of premises.
- Sec. 16-14. Maintenance of vacant lots.
- Sec. 16-15. Storage of unlicensed, inoperable, etc., motor vehicles.
- Sec. 16-16. Junkyards.
- Sec. 16-17. Noise—General prohibition.
- Sec. 16-18. Same—Noisy vehicles.
- Sec. 16-19. Same—Operation of loudspeaker or sound amplifier.
- Sec. 16-20. Gambling—Generally.
- Sec. 16-21. Same—Gambling houses.
- Sec. 16-22. Allowing minors to play pinball machines.
- Sec. 16-23. Indecent exposure or dress.
- Sec. 16-24. Sign and records required for pawnbrokers.
- Sec. 16-25. Reports of pawnbrokers and secondhand dealers; records subject to inspection.
- Sec. 16-26. Breaking arrest.
- Sec. 16-27. Hours of public cemeteries.
- Sec. 16-28. Public drunkenness.
- Sec. 16-29. Drinking beer or intoxicating liquors in motor vehicles or on public property or parking lot.
- Sec. 16-30. Possession of beer, wine or intoxicating liquors on city-owned parking lots and parking lots subject to police jurisdiction.
- Sec. 16-31. State fraudulent check law adopted by reference.

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\***State law reference**—Crimes and offenses, S.C. Code 1976, tit. 16.



**Sec. 16-1. Curfew violations.**

It shall be unlawful for any person to violate any of the terms or conditions of any curfew which might be ordered by the city council or by the mayor.

(Code 1964, § 14-3.1; Code 1980, § 12-1)

**State law reference**—Offenses during state of emergency, S.C. Code 1976, § 16-7-10 et seq.

**Sec. 16-2. Fighting and other disorderly or indecent conduct.**

Any person making or creating any brawl, riot, affray, fighting, or indulging in any profane, obscene or vulgar language, or acting in a tumultuous, disorderly or indecent and vulgar manner within the corporate limits of the city, shall be guilty of a misdemeanor.

(Code 1964, § 14-24; Code 1980, § 12-3)

**State law reference**—Public disorderly conduct, S.C. Code 1976, § 16-17-530.

**Sec. 16-3. Weapons—Discharge of firearms.**

It shall be unlawful for any person to fire or otherwise discharge any gun, pistol or other firearm in the city, except at the designated firing range areas located upon the 93.93-acre tract of land owned by the Gaffney Board of Public Works, lying between Victory Trail (Route 329) and Old Ford Road (S 11-50). Further, this section shall not apply to police officers in the discharge of their duties.

(Code 1964, § 14-32; Code 1980, § 12-7; Ord. No. 1999-1, 1-4-1999)

**Sec. 16-4. Same—Shooting of air guns and slingshots prohibited in certain places.**

It shall be unlawful for any person to fire or shoot any air gun, air pistol or other like gun or pistol by any other name whatsoever called, or to shoot or use any slingshot or any other weapon of like kind in the city.

(Code 1964, § 14-33; Code 1980, § 12-8)

**Sec. 16-5. Damaging utility poles, wires, etc.**

It shall be unlawful for any person to cut, break, mutilate, or in any manner injure any telegraph, telephone or electric light pole, wire or lamp within the city.

(Code 1964, § 14-26; Code 1980, § 12-13)

**Sec. 16-6. Posting notices, etc., on trees, utility poles, etc.**

It shall be unlawful for any person to post or affix any notice, poster, sign, placard, show card or other advertising matter or other paper or device calculated to attract the attention of the public to any tree, lamppost, public utility pole, traffic sign, traffic signal pole, street marker, building or structure, except as may be permitted by law.

(Code 1964, §§ 10-16, 14-01, 14-27; Code 1980, § 12-14)

**Sec. 16-7. Discharge of waste into stream or drainage areas.**

It shall be unlawful for any person within the limits of the city to discharge waste into any stream or drainage area thereof which causes the stream to fall below the classification assigned the stream by the water pollution control authority of the South Carolina Department of Health and Environmental Control.

(Code 1964, § 5-39; Code 1980, § 12-16)

**Sec. 16-8. Obstructing natural drainage of water from streets or other public places.**

It shall be unlawful for any person to erect or allow to be erected on any premises owned or controlled by him any structure in such a manner as to prevent the natural flow of water from any of the streets, lanes, alleys or public places of the city, or place any embankment, dam or structure of any kind upon any premises which will divert the natural flow or long-established flow of water from such streets, lanes, alleys or public places, without first obtaining permission from the city council, where such obstructions or embankments will cause water to be backed upon the streets, lanes, alleys or public places and thereby cause, or be likely to cause, a nuisance. It shall likewise be unlawful for any person to work at or assist in the erection of any structure, embankment or dam in violation of this section.

(Code 1964, § 14-29; Code 1980, § 12-17)

**Sec. 16-9. Loitering in public places.**

It shall be unlawful for any person to be found idling, loitering or loafing upon the streets or sidewalks of the city or in any public buildings or places or in anywise obstructing the traffic of the streets, sidewalks, public buildings or places in the city.

(Code 1964, § 14-13; Code 1980, § 12-18)

**Sec. 16-10. Spitting on crosswalks, sidewalks or floors of public places.**

It shall be unlawful for any person to spit in or on any crosswalk or sidewalk, or upon the floor of any church, public hall, theater, public conveyance or other public place within the city.

(Code 1964, § 14-25; Code 1980, § 12-20)

**Sec. 16-11. Disturbing religious and other assemblies.**

It shall be unlawful for any person to disturb any congregation of people lawfully assembled at any church or public place of worship to perform divine service, or at any time cause any riot or disturbance in any church or public place of worship of any sect or religion, or interrupt or disturb any audience lawfully assembled in any place of amusement within the city, by any noise, loud talking, indecent behavior or other annoyance, which in any manner may interfere with good order and decorum.

(Code 1964, § 14-5; Code 1980, § 12-22)

**Sec. 16-12. Nuisances prohibited; specific nuisances declared.**

It shall be unlawful for any person to create, allow or maintain a nuisance on his premises or lot, or on any lot or premises occupied by him, or on any lot or premises belonging to another and for which such person acts as agent. The following acts or things, among others are hereby declared nuisances, but such enumeration shall not be deemed to be exclusive:

- (1) Allowing stagnant water, decaying animal matter, decaying vegetables or fruits, or anything causing offensive odors, or whatever is dangerous to human life or health, to remain on such lot or premises;
- (2) Allowing anything whatsoever which renders the air, food or water or other drink unwholesome to remain on such lot or premises.

(Code 1964, § 11-8; Code 1980, § 12-24)

**Sec. 16-13. Sanitary maintenance of premises.**

All premises in the city must at all times be kept in a sanitary condition and all damp or low places, cans, vessels, broken bottles, and pieces of china or glass that may hold water shall be deemed unsanitary. This shall not include troughs or vessels with water intended for watering stock or poultry, if they are kept clean. The occupant, owner, or tenant of any premises within the city who shall permit or tolerate the existence of any of the conditions condemned in this section shall be guilty of a misdemeanor.

(Code 1964, § 11-9; Code 1980, § 12-25)

**Sec. 16-14. Maintenance of vacant lots.**

All owners, occupants, and tenants of vacant and unimproved acreage or lots within the city shall keep the same cleared of all weeds and growth and also cleared of all debris, junk or other accumulations that might provide breeding places for mosquitoes or other insects, or constitute a fire hazard. Failure to keep such a vacant lot in a cleared condition shall be a misdemeanor. Should any property owner, occupant, or tenant fail to keep such lot cleared, the city may cause the same to be kept cleared and in a sanitary condition for health purposes, and the cost of keeping such lot cleared shall be an assessment against the property owner, and the expense shall be added to the annual tax levied, and shall be collected by the city in the same manner as the annual property tax.

(Code 1964, § 14-28; Code 1980, § 12-26)

**Sec. 16-15. Storage of unlicensed, inoperable, etc., motor vehicles.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Inoperable motor vehicle* means one which is incapable of being moved under its own power without repair.

(b) It shall be unlawful for the owner, occupant, or tenant of any property in the city to permit a motor vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be placed upon or remain upon his property. This subsection shall not apply to property of a licensed new car or used car dealer operated for such business, provided such vehicles are covered or sheltered in such fashion as to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicles by mosquitoes and other insects or rats and other vermin.

(c) No person shall salvage or otherwise maintain upon his property any inoperable motor vehicle, for the purpose of taking parts therefrom or for the purpose of storage or repair, unless such vehicle is covered or sheltered in such fashion as to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes and other insects or rats and other vermin.

(Code 1964, § 14-25.1; Code 1980, § 12-27)

**Sec. 16-16. Junkyards.**

No junkyard, whether for automobiles, machinery or other junk equipment, shall be operated in the city and no license shall be issued for such a business.

(Code 1964, § 14-12; Code 1980, § 12-28)

**Sec. 16-17. Noise—General prohibition.**

The creating of any unreasonably loud and disturbing noise within the limits of the city is prohibited.

(Code 1964, § 14-14; Code 1980, § 12-29)

**Sec. 16-18. Same—Noisy vehicles.**

It shall be unlawful for any person to operate a motor vehicle upon the public streets of the city which has attached thereto any equipment, which emits unreasonably loud and disturbing noise.

(Code 1964, § 14-15; Code 1980, § 12-30)

**Sec. 16-19. Same—Operation of loudspeaker or sound amplifier.**

The operation or use of any mechanical loudspeaker, sound amplifier or other device whatsoever for the increase in intensity of sound in the city, except when installed within the confines of an enclosed building or vehicle, is hereby declared to be unlawful and to constitute a public nuisance. The city administrator may, at his discretion, grant a temporary permit for the use of such device at public functions and occasions, when the use thereof is for the benefit and enjoyment of the attending public.

(Code 1964, § 14-16; Code 1980, § 12-31; Ord. No. 2007-16, 12-3-2007)

**Sec. 16-20. Gambling—Generally.**

No person shall gamble or play for money or other stakes at any sort of game with cards, dice, coins or any other device or thing within the city. Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall forfeit all the stakes and everything that may have been bet on the same or used in connection with it, in addition to the penalty imposed for the violation.

(Code 1964, § 14-7; Code 1980, § 12-32)

**State law reference**—Gambling and lotteries, S.C. Code 1976, § 16-19-10 et seq.

**Sec. 16-21. Same—Gambling houses.**

All houses or other places where persons are permitted to resort for the purpose of gambling within the corporate limits of the city are hereby declared nuisances, and the keeper, manager or proprietor of the same shall be guilty of a misdemeanor. Likewise, any person who, without a legitimate excuse, frequents or visits any gambling house, or is present at any place whatever where gambling is going on, shall be guilty of a misdemeanor.

(Code 1964, § 14-8; Code 1980, § 12-33)

**Sec. 16-22. Allowing minors to play pinball machines.**

It shall be unlawful for any keeper or owner of any pinball table or pinball machine, or any like table or machine with free play features, to allow persons under 18 years of age to play the same.

(Code 1964, § 14-19; Code 1980, § 12-36)

**Sec. 16-23. Indecent exposure or dress.**

It shall be unlawful for any person to appear in a public place in a state of nudity or to make any indecent exposure of his person.

(Code 1964, § 14-11; Code 1980, § 12-38)

**State law reference**—Indecent exposure, S.C. Code 1976, § 16-15-130.

**Sec. 16-24. Sign and records required for pawnbrokers.**

Every person licensed as a pawnbroker by the city shall put on or over the principal entrance to his place of business a sign designating that he is licensed, and containing his name, and shall keep a book, in which shall be plainly written, at the time of every pledge, a description of the article pledged, giving a full description of same, including its maker, number, brand, monogram and or letters of any kind on such article so pawned or bought by him, and the name of the person from whom received.

(Code 1964, § 14-18; Code 1980, § 12-42)

**Sec. 16-25. Reports of pawnbrokers and secondhand dealers; records subject to inspection.**

Every pawnbroker and every dealer in secondhand clothing, jewelry and other articles shall furnish to the chief of police, every week or more often if requested, a list of all articles received or purchased by him or pledged to him. The books of every pawnbroker and secondhand dealer shall at all times be open to inspection by the police.

(Code 1964, § 14-18; Code 1980, § 12-43)

**Sec. 16-26. Breaking arrest.**

(a) It shall be unlawful for any person to break arrest, attempt to break arrest, to scuffle with, or otherwise attempt to evade the lawful custody of any law enforcement officer or any other person lawfully having charge of prisoners.

(b) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not more than \$200.00 or imprisoned for not more than 30 days.

(Code 1980, § 12-48; Ord. No. 1990-9, 10-9-1990)

**Sec. 16-27. Hours of public cemeteries.**

No persons shall enter upon the grounds, paths, roads, or ways of any public cemetery located within the city except between the hours of 6:00 a.m. through 10:00 p.m. Any person who shall violate this section shall be guilty of a misdemeanor, and upon conviction shall be subject to punishment by a fine or imprisonment not exceeding the maximum permitted for municipal courts by state law.

(Code 1980, § 12-50; Ord. No. 1992-3, 8-24-1992)

**Sec. 16-28. Public drunkenness.**

Any person who shall be found in any public place within the city in a drunken condition shall be guilty of a misdemeanor. No person shall be drunk or intoxicated in any street, public house, place of amusement or worship, or any other public place.

(Code 1980, § 3-5)

**State law reference**—Public intoxication, S.C. Code 1976, § 16-17-530.

**Sec. 16-29. Drinking beer or intoxicating liquors in motor vehicles or on public property or parking lot.**

It shall be unlawful for any person to publicly engage in the drinking of beer, wine, intoxicating liquors or any other alcoholic beverages in motor vehicles or on the public streets, alleys or other property of the city, or on any parking lot, public or private, except that beer, wine, intoxicating liquors or any other alcoholic beverages may be possessed and consumed on



such premises if the possession and consumption of such beverage is authorized by law for on-premises consumption. The forgoing provision shall not apply within the designated perimeter of a special event approved for alcohol consumption.

(Code 1964, § 3-7; Code 1980, § 3-6; Ord. No. 1994-5, 8-22-1994)

**Sec. 16-30. Possession of beer, wine or intoxicating liquors on city-owned parking lots and parking lots subject to police jurisdiction.**

(a) It shall be unlawful for a person to have in his possession, except in the trunk or luggage compartment, beer, wine, or other alcoholic beverage in an open container in a motor vehicle of any kind while located upon the premises of any parking lot owned or operated by the city or any parking lot subject to the police jurisdiction of the city pursuant to S.C. Code 1976, § 23-1-15. If any such beer, wine, intoxicating liquor, or any other alcoholic beverage is located on or within a vehicle on any such parking lot, it may be inferred that the said beverage was in the possession of the operator of the vehicle. This provision must not be construed to prohibit the transporting of beer or wine or other alcoholic beverage in a closed container, nor shall it be construed to prohibit the possession or consumption of beer, wine, intoxicating liquors or any other alcoholic beverages on such premises if the possession and consumption of such beverage is authorized by law for on-premises consumption. The forgoing provision shall not apply within the designated perimeter of a special event approved for alcohol consumption.

(b) Any violation of the provisions of this section shall be a misdemeanor and shall be punishable by a fine or imprisonment not exceeding the maximum permitted for municipal courts by state law.

(Code 1980, § 3-7; Ord. No. 1990-8, 9-25-1990)

**Sec. 16-31. State fraudulent check law adopted by reference.**

The provisions of S.C. Code 1976, §§ 34-11-60 through 34-11-90, as amended, regarding drawing and uttering fraudulent check, draft, or other written order, are hereby adopted, mutatis mutandi.



Chapter 17

**RESERVED**

